

G. R. S. 58]

Previous references.

J. 7. 15-1897
- 66-92
- 23-98.

1914. 15
(Court)

File No. 362-14

Serial Nos. 1-5

Later references.

Cts 172782(1-2)
... 102-28 (6-4)

Preserve
for
3/11/27

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Part B for Nov 15

SUBJECT.

Bills for refund of sums recd from
Bri. Magtes when warrants issued under
the Breach of Contract Act are not
executed.

5) To The Dm. Mysore } of 1885-93
" do (other Distrs) }
" Deputy, Ch. Ct } of 15.11.15
Directs that fees for execution
of warrants recd from Magtes in Bri. India
shd not be refunded & that in cases where
the first warrants remain unexecuted the
second & succeeding warrants may be
free of all charges.
M. G. Howard
9.12.15

GENERAL AND REVENUE SECRETARIAT.

(Cens)

NOTES.

File No. 362-4

FILE HEADING.

~~Refund~~ Bries in ~~form of the~~ Stationary Sub-Mapishah
for refund of sums recd from British Mapishah ~~of course~~ when
~~for execution of~~ warrants issued under the Breach of Contracts
are not executed.

From

The Dist. Mapishah, Mysore Dist.

No. 959

Dated 25.5.1915

Received 27.5.1915

Diary No.

J 3784

Enclos. /

bills

Spare Copies.

Serial No. /

BRIEF ABSTRACT OF LETTER.

Forwarded psanchai a refund bill for Rs 3/- in
favour of the Amildar Mapishah, Nayamangala Tk.,
being the warrant fee recd from the St^y Sub-Mapishah of course
for the arrest of a person in Nayamangala Tk.

NOTES AND ORDERS.

1) The Dy Comm states that the bill has been
made out in the name of the Amildar
Mapishah of Nayamangala Tk. Whereas the name
of the payee as noted in the bill is the Stationary
A.C.

Serial
No.Sub-Mgt of Comm. May the his be taken
for needful connection being made?1/5
9/8/15-We

2) 7/5

8/10/16

3) Drap Sub.
1/5
10/6/15-We4) Issue
8/10/16

2

To The District Magistrate
Mysore Dist

No J 4293 of 12-6-1915

Enquires if the name of the person
correctly mentioned in 1 of the list

3

From the same office

No 131 of 6-8-1915

Re-transmits the list duly amended.

5) Sub^d with a draft survey.1/5
13/8/15-We

6) may be approved

8/14/18

Dist. Member)

7) For what purpose is
3 Rs levied - to execute warrant
or to convey prisoner? Let me
see original order -

L. R. S. 12]

General and Revenue
Secretariat.

CS File No. 362

of 1914-15

Serial
No.

Sub.

8) The sum of Rs 3/- is levied for defraying all charges incurred within Mysore in providing food and escort for prisoners. The order of June 1899 embodying

Order of J 13996-14004
in the J 1707
of 12.6.1899
in original papers put up -

The former order on the subject is put up.
9) The last sentence of para 2 of this order provides, in cases where the first warrant remains unexecuted, for a second or succeeding warrant being executed free of charge but does not expressly provide for the refund of the amount where such warrants are returned unexecuted.

18.
17.8.15

18
188

First Member)

10) I am disposed to think that the fee is a 'Contract' sum not to be refunded. Please see original file & note whether this view is or is not supported.

19/8/15

[Signature]
J. M. S.
19/8/15

11) Please put up all the

681 354

(4)

R. S. 12]

General and Revenue
Secretariat.

ct File No. 362 of 1914-15.

Serial
No.

24/6

in printed order of 1899.

4

from the Dist. Magistrate, Mysore Dist.
No 249 of 21.9.1915

Forwards for sanction of Govt a
refund bill in favour of the Amildar Magis-
trate of Gundlupet.

(2) The previous papers commencing
from 1879 have been traced & put up.

(3) Even when the fee was Rs 7/-, there
was an express order that the amount
should not be refunded in cases where
warrants could not be executed. On further
correspondence, the Chief Commr of Coorg.
was informed that the rate of Rs 4 then
existing was both in executed & unexecuted
warrants and that this amount included
compensation to the State of the cost of
service of the Police persons while employed
in executing the warrants. When this
fee was reduced to Rs 3/- in 1884, the
fact that it was not returned in cases
where warrants were not executed seems
to have been taken into consideration and
all that was intended by the notice of
Mar 1884 was to reserve it for a period or

A

E

N^o 2619 of 10-8-1883
1884
to the Chief Commr
of Coorg.

D

N^o 6489 of 27.3.1884
334
to the Chief Commr
of Coorg.

Serial
No.

Succeeding warrant.

(4) It appeared, a ^{order} draft will be sub^d that such fees should not hereafter be refunded but only reserved.

Ug.

29/9/15

29/9/15) The view noted in para 10 above is correct.

(6) The fee originally fixed was Rs 7/- and was intended to meet the cost of bills and escort of the accused arrested under the warrant. This sum was subsequently reduced to Rs 4/- and at the same time it was ordered that the second and subsequent warrants should be executed for full charge. The implication apparently was that Rs 4/- should be sent with each warrant irrespective of the actual cost that might be incurred in Mysore. This view was made clear in the letter No 228 of 22.10.1883 from the Chief Commissioner to the J. & C. in Coorg. "The fee of Rs 4 was fixed according to the best information procurable as a fair average in each case, and under the circumstances it was payable whether the process was second or not." The Durbar also had explained that the warrants in question

Serial
No.

were purely civil processes, and that the costs include not only the expense of detaining the defendant under arrest but the expenses of the State of the cost of service of the Police persons while employed in executing the process. It has been the practice not to return this fee whether the warrant was served or not. In 1898, the District Magistrate of Malabar relied on this rule for certain amplification of the rule:

17) Please draft accordingly that the money ~~shall be~~ ^{shall be} not be returned.

11/10

11/10

18) Subd with a draft order.

12/10

12/10

12/10

First Member

Draft appd: by First member
MST

9. 11. 15.
10/1113
10/11

19) Issue

10/11

General and Revenue
Secretariat.

File No. 362

of 1914

Serial
No.

5

To the D. M. Mysore and of other Dist.
The Registrar Chief Court.

no 9-1825-93

16-11-1915

Direct that the fees charged for
execution of warrants issued by the
Magistrate, in District India under the
Breach of Contract Act are not to be returned

From

11/11/15
1914-15
The District Magistrate
Dumfries

To

The Secretary to Govt.
Civil & Gen. Dep't.
Bangalore

Dated

Despatched

Received

General No. 939
No.

Enclosure No. / file

Refused Bill for Rs 3/-
in favour of the British
of Nagawangala Taluk

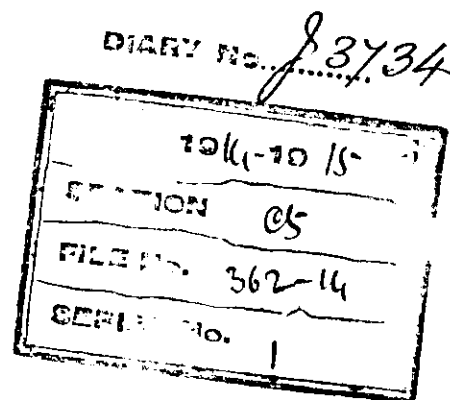
8/ No 939
1 file

Office of the District Magistrate,
Mysore District.

Dated, Mysore, 25th May 1915

From

A.Subramanya Iyer, Esquire., B.A.,
District Magistrate,
Mysore District.



To

D.M.Narasinga Rao, Esquire., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

I have the honor to forward herewith for sanction a refund bill in favour of the Amildar Magistrate, Nagamangala Taluk for Rs 3 being the warrant fee received from the Stationary Sub Magistrate, Coonor for the arrest of one Chikka Mudda of Mutsande village Nagamangala, accused in Magisterial Case No 686 of 1913 on the file of his Court. The amount was credited by the Amildar Magistrate of Nagamangala to the Taluk Treasury under the head "Law and Justice" on 7-7-13, instead of keeping it under "Judicial Deposit". As the warrant could not be executed owing to the absence of the person from the village and as a requisition for the amount has been received from the Coonor Sub Magistrate, a refund bill has been prepared and submitted herewith for favour of sanction.

The vernacular file of papers is herewith submitted. for reference.

I have the honor to be,

Sir,

Your most obedient Servant,

A. Subramanya Iyer
District Magistrate,

Mysore District.

SVS

Plu.

SUBJECT.....

10/6

Diary No. of letter replied to.....

Section 362-4

File No. 2

Serial No.

General and Revenue Secretariat

()

, the

191

No. 9 4293 Enclonefile

Date of issue

12 / 6 / 1915.

To

The District Magistrate

Signed by

Mr. G. Sreenivasa Iyer

Mysore Dist.

Sir,

Advertised to you letter

no. 939 dated the 25th May 1915

in sanction of

proceeding of a request for Rs 3/-

in favour of the Anilam Mapishale

of the Karamangala Taluk, I

am directed to enquire, if

the name of the party ^{is correctly} mentioned in

mentioned in col 7 of the bill

M. over.

St

6)

~~is correct~~ and if not, to request

you to retransmit the bill

duly amended in this respect.

The enclosures to your letter under ref. are herewith
returned. I have to

For ops: ^{6/16/15} see below

List of enclosures.

Copied by

Examined by

9/18
191

From

*The Deputy Commissioner,
Mysore District.*

To

*The Secretary
to the Govt of Mysore*

Dated

General Department

Despatched

6.8.15.

Received

General No.

/31

No.

Enclosure No.

1 bill & 1 file.

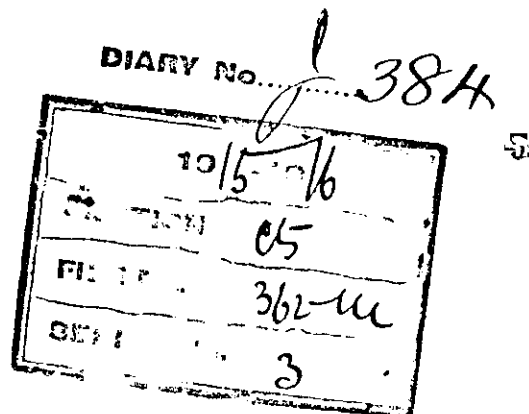
*Resubmits the bill for Rs 3/-
mentioning the correct name of the
Payee -*

Office of the Deputy Commissioner,
Mysore District.

Dated, Mysore, 6th August 1915.

From

A. Subramanya Iyer, Esquire., B.A.,
Deputy Commissioner,
Mysore District.



To

D.M. Narasinga Rao, Esquire., B.A. B. L.,
Secretary to the Government of
His Highness the Maharaja Of Mysore,
General Department, Bangalore.

Sir, =

With reference to your letter No.J.4293/Cts 362-14-2 dated 12th June 1915, requesting ~~the~~ to mention the correct name of payee in -- column -7 of the bill, I have the honor to retransmit the bill duly - amended in that respect.

The enclosures to your letter under reply are herewith submitted.

I have the honor to be,

Sir,

Your most obedient servant.

M. S. Narayan

Assistant Commissioner,
For Deputy Commissioner,
Mysore District.

P.A.

(ABSENT FROM STATION).

From

11/11/1915
1915-16
The District Magistrate
Hoqsona

To

The General Secretary
to Govt. Bangalore

Dated

Despatched

Received

General No. *24*
 No. *9*

Enclosure No. *one file*

Submitting a referred
Bill for Rs 31- P. in
Sanction & transmission
to the Comptroller.

12)
No. 249
one

OFFICE OF THE DISTRICT MAGISTRATE MYSORE DISTRICT.

DATED MYSORE 21st SEPTEMBER 1915.

22

DIARY No. J. 881

From

A. Subramanya Iyer, Esquire, B. A.,
District Magistrate, Mysore District.

1915-10/6
SECTION 65
FILE No. 362-14
SERIAL No. 4

To

D. M. Narasinga Rao, Esquire, B. A., B. L.,
Secretary to the Government of His Highness the Maharaja
of Mysore, General Department, Bangalore.

Sir,

In forwarding herewith a refund bill for Rs. 3/- received from the Amildar Magistrate of Gundlupet with his report No. 85 dated 9th August 1915 and certified by the District Treasury Officer, Mysore District, I have the honor to state that the sum above named was received by the Gundlupet Magistrate from the Taluk Magistrate of Gudlur, together with a warrant of arrest in a Breach of Contract case and was by mistake credited to "Law and Justice" on 5th September 1913.

As the Magistrate of Gudlur, has asked for the return of the amount, the warrant having been returned unexecuted, the bill may kindly be sanctioned and transmitted to the Comptroller for audit.

I have the honor to be,

Sir,

Your most obedient servant,



District Magistrate,

Mysore District.



Directing that for rec execution of warrants
issued by Br: Bureau of the Br: of
Contract Act are not to be returned.

Serial No. 5

GENERAL AND REVENUE
SECRETARIAT.

READ—

191 .

Signed by Am. L. Srivastava To

Letter no 939 dated 25th May 1911
from the Dist. Magistrate, Mysore Dist.
forwarding for sanction of Govt a
revised bill in favour of the Taluk
Magistrate & Mysore angala p. 13/1.
~~ORDER THEREON. No.~~
being the warrant fee recd from the
Stationary Sub-Magistrate, Comor,
for the arrest of one Chikha Mudda
and stating that the amount was
credited by the Taluk Magistrate to
M. over.

GPR-50,600-1-12-12

14)

The Taluk Treasury under the head
"Law & Justice" instead of being
kept under "Judicial Disputes" and
that, as the warrant could not
be executed, a requisition ~~cannot~~
has been made by the Stationary
Sub-Magistrate for the return of
the amount.

2. Letter No 249 dated 21st Sep 1915
from the same office ~~is requesting~~
forwarding in sanction of Rs 3/-
another refund like the similar sum
of Rs 3/- recd & credited to the Treasury
by the Taluk Magistrate of Gundlupet
under similar circumstances.

Order thereon - No. 1885-93. ^{Incls 2 bills and a file}
^{to the D. M. Mysore}
under Govt Recd No 13996-14004/J 17078/12.6.1897

The fee of Rs 3/- charged for
executing in Mysore warrants issued
by Magistrates in British India
, under the Breach of Contract Act
is to be refunded in any case.
~~are not returnable in cases where~~
~~such warrants are not executed.~~
In cases where the first warrants
remain unexecuted, the sums

27/9/15

G.R.S. 27]

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

1/15

and succeeding warrants may be
executed free of all charge.

8/16

For Secy to Govt.

and depu

To The District Magistrate,
Mysore District, returning the copies
his vernacular papers.

The District Magistrate of
other districts.

The Registrar, Chief Court,
~~for information~~

Print

By the order of A.S.
not printed

9/11/15

12/10